

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

COLORQUICK, L.L.C.,

*Plaintiff,*

v.

VISTAPRINT LIMITED, and  
OFFICEMAX INCORPORATED,

*Defendants.*

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No. 6:09-CV-323

JURY DEMANDED

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**AMENDED PATENT RULE 4-3 JOINT CLAIM CONSTRUCTION  
AND PREHEARING STATEMENT**

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Pursuant to Patent Rule 4-3 of the Rules of Practice for Patent Cases and the Court's Docket Control Order, Plaintiff ColorQuick, L.L.C. and Defendants Vistaprint Limited and OfficeMax Incorporated (collectively, "the parties") hereby submit this Amended Joint Claim Construction and Pre-hearing Statement.

**(a) Claim Terms, Phrases, or Clauses for Which the Parties Have Reached Agreement Regarding Construction (P.R. 4-3(a)).**

The constructions of the claim terms, phrases, or clauses on which the parties agree are set forth in Exhibit A to this Amended Joint Statement.

**(b) Proposed Constructions of Disputed Claim Terms and Phrases and Identification of Intrinsic and Extrinsic Evidence (P.R. 4-3(b)).**

By this amended Joint Statement, the parties no longer dispute any claim terms. In particular, the parties now agree that the single previously disputed term, "static template," should be construed in accordance with the Court's prior construction of that term.

**(c) Anticipated Length of Time Necessary for the Claim Construction Hearing (P.R. 4-3(c)).**

As there are no longer any disputed claim terms, the parties do not anticipate a Claim Construction Hearing will be required in this matter. The parties will be available, however, to the extent the Court determines that a Claim Construction Hearing would be helpful.

**(d) Witnesses to be Called at the Claim Construction Hearing (P.R. 4-3(d)).**

The parties do not intend to rely on expert testimony at a Claim Construction Hearing.

**(e) Other Issues to be Taken Up at a Prehearing Conference Prior to the Claim Construction Hearing (P.R. 4-3(e)).**

The parties do not currently foresee any disputes in need of resolution at a Pre-Hearing Conference. The parties would be pleased to make themselves available at the Court's convenience should the Court believe that a Claim Construction Hearing, to the extent necessary, would be facilitated by a Pre-Hearing Conference.

Dated: September 7, 2010

Respectfully submitted,

/s/ Justin B. Kimble

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-f(a)(3) on September 7, 2010.

/s/ Matthew P. Gubiotti  
Matthew P. Gubiotti